

REMARKS

This Amendment is in response to the Office Action Mailed May 9, 2005. Claims 1-35 were examined. The allowance of Claims 9-17 is appreciated. Additionally, the indication that claims 6-8, 20, 28, 32, and 35 would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims is appreciated.

Claim 29 stands rejected as being indefinite. Claim 27 has been amended to include the subject matter of claim 28. Accordingly, the rejection has been addressed by this amendment.

Claims 1, 2, 18-19, 21-22, 26-27 and 33 stand rejected as being anticipated by U.S. Pat. No. 5,188,140, issued to Michio Kosaka (the "Kosaka" patent). The Kosaka patent discloses a breather valve that controls the pressure of a sealed container, such as a fuel tank. As noted in the background of the Kosaka patent, "The internal pressure of sealed containers, such as fuel tanks for motorcycles and outboard motors, are subject to changes due to fuel consumption, increase of fuel vapor partial pressure caused by a temperature change, and so forth." The Kosaka patent, Col. 1, lines 9-14. Figure 1 of the Kosaka patent is reproduced below.

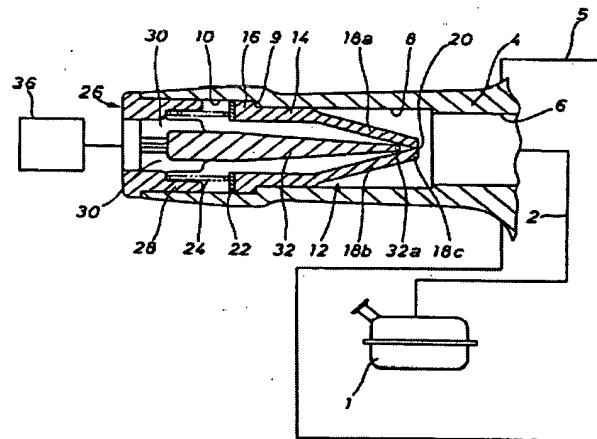


Figure 1 illustrates a cross sectional view of the breather valve. A sealed container 1, such as a fuel tank, has a breather passage 2 that leads to a valve casing 4. The valve casing defines a through bore 8, 10 into which the valve fits. The valve element includes a cylindrical portion 14 and a flange 16 that is "closely slidably received within the through bore 10." Kosaka patent, Col. 3, lines 14,15. A spring 24 biases the valve element in the upstream direction.

In contrast, the embodiment of the present invention, described in the specification and recited in the claims includes a valve element that is "secured" to the wall defining the passage. Accordingly, independent claims 1 and 18. Claims depending from claims 1 and 18 are allowable at least because they depend from an allowable base claim. Independent claims 27 has been amended to add the limitations recited in claim 28 and is allowable for that reason. Claims depending from claim 27 are allowable at least because they depend from an allowable base claim.

The rejections of claims 30-31 as unpatentable over the Kosaka patent and claims 3-5, 23-25, and 34 as unpatentable over the Kosaka patent in view of U.S. Pat. No. 3,504,699, issued to Gries (the "Gries" patent) are believed to be moot in light of the amendments to the independent claims from which these claims depend.

Applicants hereby request a two-month extension of time, up to and including October 9, 2005. The Commissioner is hereby authorized to charge Deposit Account 08-0219 the fee of \$225.00 for this two-month extension of time.

The Commissioner is hereby authorized to charge Deposit Account 08-0219 the fee of \$300.00 for the three new Independent Claims. No other fees are believed due, however the

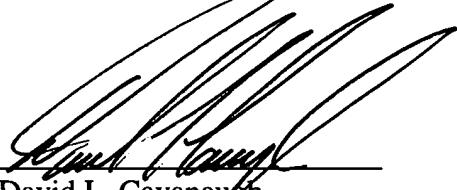
Appl. No. 10/731,549
Amdt. dated October 7, 2005
Reply to Office Action of May 9, 2005

Commissioner is hereby authorized to charge any underpayment or credit any overpayment to
Deposit account 08-0219.

No new matter has been entered. Favorable examination is requested.

Respectfully submitted,

Date: Oct. 7, 2005


David L. Cavanaugh
Registration No. 36,476
Attorney for Applicant

Wilmer Cutler Pickering
Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
Tel: (617) 526-6036